HW

CONFIDENTIAL

1735 Highland Place, Apt. 25
Berkeley, Ca. 94709
November 1, 1971

Assistant to the Director
Central Intelligence Agency
Washington, D.C. 20505

Dear Sir:

Under the provisions of the Freedom of Information Act, 5 U.S.C. 552, and as part of my study of the assassination of President Kennedy, I hereby request access to the following records of your agency:

(1) The photograph of an unidentified man, cropped versions of which were published by the Warren Commission as Commission Exhibit (CE) 237 and Odum Deposition Exhibit (DE) 1. (16H638 and 20H691 in "Hearings Before the President's Commission on the Assassination of President Kennedy.)

(2) All other photographs of this person in your files.

(3) The memorandum dated July 23, 1964, from Richard Helms, which is part of Warren Commission Document (CD) 1287.

(4) All recordings and transcripts of intercepted phone calls or other conversations, and other similar contemporary records, relating to apparent contacts by Lee Harvey Oswald with the Cuban Consulate and Soviet Embassy in Mexico City in the fall of 1963.

By letter of September 25, 1967 to your office, I requested access to items (1) and (3). That request was denied on the grounds that the records were classified "in accordance with [your] statutory responsibility to protect intelligence sources and methods." Since that time, quite a bit of information has come to light which would appear to remove the need for secrecy.

The part of CD 1287 which you released to me in 1967 reveals that the photo was taken in Mexico City on October 4, 1963. An internal Commission memorandum (Stern to Rankin, March 27, 1964) refers to "photographs of a person who had visited the Cuban and Soviet Embassies in Mexico City during October and November 1963." In CD 674, which was released by the CIA last January, it is noted that "this individual, it was believed at the time [that is, presumably, right after the assassination] might be identical to Lee Harvey Oswald."

According to an internal Commission memo dated September 30, 1964, "the CIA has raised the question of publishing the cropped picture shown to Marguerite Oswald by Special Agent Odum of the FBI." Other Commission records reveal that the photo was returned to the CIA on October 22, 1964. In the published version of Odum DE 1, the background has been completely blacked out. Thus, what was published, and the file copies now in the Commission's files, are not identical to the photo that was introduced into evidence as Odum DE 1.

Before I found out what had happened, the retouching of that evidence raised a number of questions in my mind. It does seem questionable for the Commission to have allowed such alteration without mentioning or explaining it in the published volumes. I assume that the retouching was done simply to conceal the fact that the photo was taken at one of the Embassies in Mexico City, and not (for example) to remove another person. It would seem, therefore, that there is no longer any reason not to release the entire photograph.

With regard to item (2), I note that both the Stern memo and CD 674

refer to photographs of this man. An FBI report which was released early this year by the Justice Department provides a description of two other photos of this "unidentified possible white male American suspect." According to CD 566, page 4, the poses were as follows:

"1. Attired in a white shirt and tan trousers, holding what appears to be a courier-type pouch under his left arm and examining a wallet-type folder which it appears may contain one or two documents resembling passports.

"2. Attired in the same dress described above and holding the wallet-type folder in his left hand and inserting this folder into the courier-type pouch held in his right hand."

(The third pose described is evidently Odum DE 1.)

As you may know, various allegations have been made concerning the connection between this man and Oswald, the material cropped from the photo, etc. Some claims have been made that the man has been identified by name. It might be possible to confirm or refute such identifications if these two other photographs were available. Since the above-quoted descriptions have been made public, certainly there could be no reason for not releasing at least cropped copies.

In light of all the information that is now available, I am repeating my earlier request for the memo on this subject in CD 1287, item (3).

In October 1970 the FBI authorized the release of CD 1084(d), a summary report on Oswald's activities in Mexico. Pages 4 through 6 refer to information in the possession of "another U.S. Government agency," presumably the CIA. That information relates in part to various activities at the Cuban and Soviet Embassies. One can infer from the way the information is presented in the FBI memorandum that it came from an intercepted or recorded conversation. That is, it reads like a close paraphrase rather than a summary written later to preserve the substance of a conversation. For example, it contains such apparently trivial remarks as "The Soviet indicated that he did not know what to do with the American. Duran indicated that the American had a problem because he knew no one in Cuba ...." In addition, the memo notes that the person who contacted the Soviet Embassy on October 1, 1963, identifying himself as Oswald, was "speaking broken Russian."

As you may know, there has been considerable suspicion that on various occasions other people were acting on Oswald's behalf, using his name. I am intrigued by the possibility that you still have a tape recording of Oswald (or an impersonator) talking with the Soviet Embassy about his desire to go to Cuba.

It is well known that on occasion telephone calls are overheard by outside parties, and this FBI memorandum seems to establish that a tap or bug was used in this instance. Thus, I do not see how any protection of intelligence sources and methods can be achieved by withholding any of the information you obtained. Item (4) of this request covers all recordings, transcripts, or similar records which the FBI memorandum attempts to summarize.

Procedures for making requests under 5 U.S.C. 552 were set forth in a CIA statement on July 21, 1967 (32 F.R. 10759). I have been unable to find these procedures codified in the C.F.R., as are those for other agencies. If the 1967 statement is out of date, please refer me to the current one or send me a copy.

Sincerely yours,

Paul L. Hoch

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